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Plaintiffs' request is granted as to the extent of adjourning the Status Conf. for approval of final dismissal from April 17, 2020 until June 25, 2020 at 10:30 am. Clerk of the Court requested to terminate the motion (doc. 345).

Dated: April 6, 2020

SO ORDERED.

April 3, 2020

Nelson S. Román, U.S.D.J.

BY ECF

The Honorable Nelson S. Román
The Hon. Charles L. Brieant, Jr. Federal Bldg. and U.S. Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Busher v. Barry, et al., 14 Civ. 4322

Dear Judge Román:

I am writing on behalf of plaintiffs to request the adjournment, *sine die*, of the hearing presently scheduled for April 17, 2020, in which Winged Foot Holding Corp. shareholders were invited to attend in person and participate. See Letter Order, ECF 344 (Jan. 28, 2020). Defendants have no objection to this application given the current circumstances. Notice of the scheduled hearing was mailed in early February to approximately thirty known shareholders, who are entitled to appear at the hearing if they wish to comment on or object to the proposed voluntary dismissal of the action. Your Honor has since issued Emergency Individual Rules and Practices in Light of COVID-19 (revised 3/21/20), Rule 2.B. of which states that "[u]nless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone." While it is clearly not possible to proceed in-person as originally scheduled, a dial-in proceeding may present management difficulties for a hearing that is unusually open-ended in regard to who may participate and what issues may be raised.

Accordingly, we propose that the Court adjourn the hearing *sine die*, to be rescheduled at the earliest time that an in-person hearing again becomes practicable and permit us to send a short letter to the previously noticed shareholders advising them of this adjournment. Shown below is the text of a proposed letter if the Court agrees with Plaintiffs' application to adjourn the hearing. (It should be noted that if the Court denies this application, a similar letter will still need to be sent to all shareholders before April 17 to advise them of the telephone conferencing arrangement to be substituted for the previously noticed in-person hearing.) We are obviously available for a telephone conference if the Court would like to discuss this further.

MEMO ENDORSED

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Honorable Nelson S. Román

April 3, 2020

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Respectfully submitted,

/s/ John Halebian

John Halebian

cc: Maeve L. O'Connor, Counsel to Defendants (by ECF)
S. Gale Dick, Counsel to Nominal Defendant Winged Foot Holding Corp. (by ECF)

PROPOSED LETTER TO WINGED FOOT HOLDING CORP. SHAREHOLDERS

Re: *Busher v. Barry*, Case No. 14 Civ. 4322 (NSR) (JSM) (S.D.N.Y.)

Dear Winged Foot Holding Corp. shareholder:

This letter follows up on the Notice of Proposed Voluntary Dismissal of Claims in Shareholder Derivative Action that you received by mail in early February 2020, and updates you on the present status of the hearing that was scheduled for April 17, 2020 at the United States District Court for the Southern District of New York located in White Plains, New York. Because of the present public health crisis regarding the COVID-19 virus, the April 17, 2020 hearing date is being adjourned and will be rescheduled for a later time when it is deemed safe to hold such a hearing. You will be advised of the newly scheduled date. In the meantime, please stay safe.

Very truly yours,

John Halebian

Counsel for Plaintiffs